

REMARKS

In response to the Species Election Requirement mailed on May 9, 2003, and further in response to the Office Communication dated March 22, 2004, Applicants hereby elect, with traverse, the species of Group B:

those claims directed to curing the second portion of PU to substantially the same selected state of gel as the first portion.

Applicants submit that this species election pertains at least to the following claims: claims 14, 16-20, 23-24, 28-32, and 45-48, which the Examiner has indicated are generic, and claims 1-11, 15, 21-22, 25-27, 33-36, 41-44, and 49-52. Claims 12-13, 37-40, and 53-57 are withdrawn contingent upon their reinstatement should the Examiner agree with the reasons provided below for traversing the Species Election Requirement.

Applicants respectfully submit that no undue burden would be placed on the Examiner to search the subject matter of all pending claims. Moreover, it is unclear to Applicants what basis the Examiner is relying on to impose a species restriction between Species A and Species B. Thus, Applicants respectfully request reconsideration and withdrawal of the species election requirement, at least with respect to Species A and B, and examination on the merits of all the claims.

As provided by 37 C.F.R. § 1.141, Applicants understand that upon allowance of a generic claim, the claims of the non-elected species can be included in the application if written in dependent form or otherwise include all the limitations of an allowed generic claim.

The Revocation and Power of Attorney

Applicants submitted a Revocation and Power of Attorney indicating the change in representation and docket number of this case. Applicants note that while the correspondence address and change of representation appear correct, the attorney docket number has not been updated to reflect the change from 174-831-999 to 20002.0057.

Applicants renew their request to change the attorney docket number.

CONCLUSION

A Petition for a 1-month extension of time and Fee Sheet Transmittal are provided herewith to extend the time to respond to May 22, 2004. No other fees are believed to be due at this time. Should any additional fee be required, however, please charge such fee to Swidler Berlin Shereff Friedman, LLP Deposit Account No. 195127, Order No. 20002.0057.

Respectfully submitted,
SWIDLER BERLIN SHEREFF FRIEDMAN LLP

Dated: April 28, 2004

By: 

John P. Mulgrew, Registration No. 47,809
SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K Street, NW, Suite 300
Washington, D.C. 20007
(202) 424-7756 Telephone
(202) 295-8478 Facsimile